

3938. Adulteration of so-called lard substitute. U. S. v. 36 Tubs of Lard Substitute. Consent decree of condemnation and forfeiture. Product ordered released on bond.
(F. & D. No. 5577. I. S. No. 3372-h. S. No. 2110.)

On February 6, 1914, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 36 tubs of a product purporting to be lard and which in fact was a substitute for lard, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the product had been shipped on or about January 17, 1914, and transported from the State of New Jersey into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "The N K Fairbank Company—Fairbanks Brand—Trade mark (Boar's head) Compound—Composed of Cotton Seed Oil, Oleostearine and Stearine made from Cotton Seed Oil, Chicago—U. S. Inspected and passed under the act of congress of June 30, 1906—Establishment No. 301"

Adulteration of the product was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On July 20, 1914, Edward L. Lewis, New York, N. Y., claimant, having by stipulation consented to a decree, which said stipulation contained, among other things, a provision that the product should be branded so as plainly to indicate that it was not to be used for human food, by placing upon the containers thereof the following, "Damaged by fire and water" or "Unfit for Human Food," judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be redelivered to said claimant upon payment of the costs of the proceeding and the execution of bond in the sum of \$250, in conformity with section 10 of the act, one of the conditions of said bond being that the product should be denatured and rendered unfit for food and should be marked in such manner as plainly to indicate that it was not fit for food and fit only for technical purposes.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *June 30, 1915.*